

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 15734 of 2007

DATED: 24.07.2007

Between:
Mohammad Mobin

... PETITIONER

AND

The Secretary and another.

... RESPONDENTS

ORDER:

-
-

The vehicle of the petitioner bearing registration No.MH-33J-7560 was seized, through the Vehicle Check Report, dated 13.07.2007, on the ground that the petitioner failed to produce the necessary documents in relation to it. The petitioner challenges the seizure in this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport.

A perusal of the Vehicle Check Report, dated 13.07.2007, issued by the 2nd respondent, discloses that the petitioner used the vehicle as Maxi Cab and did not produce F.C., Driving Licence and proof of payment of tax. Certain other lapses were also pointed out. The liability of the petitioner in the context of these observations needs to be established in the proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the respondent, till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected by imposing necessary conditions while permitting the

petitioner to keep the custody of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that;

- a) the vehicle of the petitioner bearing registration No.MH-33J-7560 shall be released to him, on his depositing a sum of Rs.5,000/- (Rupees Five Thousand Only) .
- b) the petitioner shall be entitled to ply the vehicle only after clearing the dues of tax, if any; and the release shall be without prejudice to the proceedings that may have already been initiated; and
- c) the petitioner shall also furnish an undertaking to the effect that it shall not alienate the vehicle till the proceedings in pursuance of the impugned order are finalized and that it shall produce the vehicle as and when required.

There shall be no order as to costs.

24.07.2007

Note: Issue cc tomorrow.
(B/o)
Kdl

